## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:05 CV 94

THOMAS E. WRIGHT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security	)	
	)	
Defendant.	)	
	)	

THIS MATTER IS BEFORE THE COURT on the "Defendant's Motion to Dismiss for Want of Prosecution" (Document No. 12) filed January 9, 2007. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is ripe for disposition.

Having considered Defendant's argument, the record, and applicable authority, the undersigned will grant Defendant's motion.

On March 2, 2005, Plaintiff filed his "Complaint" (Document No. 1) appealing the decision of the Commissioner to deny his application for a period of disability, disability insurance benefits, and supplemental security income under Title II and Title XVI of the Social Security Act.

On July 18, 2006, the Defendant filed an "Answer" (Document No. 8) and the administrative "Transcript" (Document No. 9) in this case. Also on that date, this Court issued a "Pretrial Scheduling Order" (Document No. 11) which set the Plaintiff's deadline for filing a Motion for Summary Judgment and Supporting memorandum for sixty days. That was over six months ago.

Plaintiff has not filed a Motion for Summary Judgment, has not requested an extension of time to file such a motion, and has failed to respond to the pending Motion to Dismiss. Moreover,

Defendant's counsel represents that he contacted counsel for the Plaintiff who informed him that

"Plaintiff had decided not to pursue the case." See Document No. 12, at 2.

Under these circumstances, where the Plaintiff has wholly failed to prosecute his Social

Security appeal, or even to respond to the instant motion, dismissal is a necessary and appropriate

remedy for the efficient administration of justice. Accord Link v. Wabash Railroad Co., 370 U.S.

626, 630-32 (1962) (district court may dismiss action for failure to prosecute sua sponte or on the

motion of a party in order to "achieve the orderly and expeditious disposition of cases").

IT IS, THEREFORE, ORDERED that "Defendant's Motion to Dismiss for Want of

Prosecution" (Document No. 12) is GRANTED and the "Complaint" (Document No. 1) is

DISMISSED WITH PREJUDICE.

SO ORDERED.

Signed: January 30, 2007

David C. Keesler

United States Magistrate Judge